

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

DIRECTV, INC,

Plaintiff,

v.

NICHOLAS IZZO,

Defendant.

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8:04CV28

REPORT AND RECOMMENDATION

Defendant was ordered to respond to plaintiff's Motion for Rule 37 Sanctions (#33) by March 24, 2005. No response has been filed. For the reasons stated in my March 4, 2005 Order (#35),

IT IS RECOMMENDED that plaintiff's Motion for Rule 37 Sanctions (#33) be granted, as follows:

1. Defendant's Answer should be stricken and default should be entered against the defendant, Nicholas Izzo, and
2. Plaintiff should be given leave to file a motion for default judgment against defendant, Nicholas Izzo, by a date to be determined by the assigned district court judge.

DATED March 30, 2005.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**